

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RHINO@HARMONY PARK, LLC, *et al.*,

Plaintiffs,

Case No. 10-14920

v.

Hon. John Corbett O'Meara

DETROIT ECONOMIC GROWTH
CORPORATION, *et al.*,

Defendants.

_____ /

ORDER OF DISMISSAL

This case was removed from Wayne County Circuit Court; the court declined to exercise supplemental jurisdiction over the state claims alleged in the complaint and remanded those claims to state court on March 9, 2011. In doing so, the court overlooked the City of Detroit Downtown Development Authority's counter-complaint, which alleges solely state claims (breach of contract and alter ego liability) against Plaintiffs. Consistent with the court's decision declining to exercise supplemental jurisdiction over Plaintiffs' state claims, the court will also decline to exercise supplemental jurisdiction over the counter-complaint, in order to avoid jury confusion and because the state claims predominate. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994); Cerrito v. Charter Twp. of Clinton, 2008 WL5068603 (E.D. Mich. Nov. 19, 2008).

Accordingly, IT IS HEREBY ORDERED that the City of Detroit Downtown Development Authority's counter-complaint is DISMISSED WITHOUT PREJUDICE.

s/John Corbett O'Meara
United States District Judge

Date: October 25, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 25, 2011, using the ECF system.

s/William Barkholz
Case Manager